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SERVICE DATE – LATE RELEASE OCTOBER 11, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-646X

ATLANTIC & WESTERN RAILWAY, L.P.—ABANDONMENT EXEMPTION—IN LEE  
COUNTY, NC

Decided: October 11, 2005

Atlantic & Western Railway, L.P. (ATW), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 0.74-mile line of railroad extending from milepost 3.76 (V.S. 198+37) to milepost 4.50 (V.S. 237+47) in Jonesboro, Lee County, NC, constituting the easternmost portion of ATW's approximately 10-mile line between Cumnock and Jonesboro, NC. Notice of the exemption was served and published in the Federal Register on May 13, 2005 (70 FR 25646-47). The exemption became effective on June 14, 2005.

By decision served on June 13, 2005, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that ATW retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. The historic preservation condition was imposed because the North Carolina State Historic Preservation Office (SHPO) had not completed its assessment of the proposed abandonment.

The SHPO has forwarded to SEA a concurrence form, indicating that the condition requiring compliance with the section 106 process has been fulfilled. SEA states that the SHPO has determined that the proposed abandonment will not affect historic properties. Therefore, SEA recommends that the section 106 historic preservation condition imposed in the June 13, 2005 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the section 106 historic preservation condition imposed in the June 13, 2005 decision is removed.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary